FORTY-FOURTH DAY

(Monday, March 30, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, Mcier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Glasgow, McKnight.

A quorum was announced present.

The Reverend Dr. Carrol W. Smith, Associate Pastor, Riverbend Baptist Church, Austin, offered the invocation as follows:

Our Father who art in heaven;
Hallowed be Thy name.
Thy kingdom come, Thy will be done
On earth as it is in heaven.
Lord, I think we have plenty of bread —
Help us to share it.
I fear we have more than our share of trespasses —
Please forgive us.
And as tedious as forgiving is —
Help us forgive those who trespass against us.
We can't stand much temptation,
So deliver us from evil.
This is Your world and the power belongs to You.
We give You glory forever. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 26, 1981, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Farabee.

Senator McKnight was granted leave of absence for today on account of important business on motion of Senator Caperton.

MESSAGE FROM THE HOUSE

House Chamber March 30, 1981

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

- H.B. 11, Relating to notice to be given by insurers to policyholders or applicants.
 - H.B. 197, Relating to compulsory liability insurance for certain vehicles.
- **H.B. 1228**, Relating to alternative ceilings on rates of interest or time price differential applicable to certain transactions.

The House has granted the request of the Senate for the appointment of a conference committee on S.B. 138.

House Conferees: Bock, Chairman; Madla, Pierce, Von Dohlen, Rains.

Respectfully,

BETTY MURRAY, Chief Clerk House of Representatives

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.B. 720 S.B. 596 (Signed subject to Sec. 49a, Art. III, Constitution of State of Texas)

S.B. 192 S.C.R. 78 S.C.R. 77

CO-AUTHOR OF SENATE BILL 821

On motion of Senator Ogg and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 821.

REPORTS OF STANDING COMMITTEES

Senator Jones submitted the following report for the Committee on Finance:

C.S.S.B. 322 (Read first time)

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 839 S.B. 736 C.S.S.B. 670 (Read first time)

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Wilson and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1149 by Wilson, Caperton

Relating to certain river authorities and to the powers, rights, authority, privileges of such river authorities in connection with the sale of revenue bonds or notes; containing other provisions relating to the subject; and declaring an emergency.

S.B. 1150 by Jones Finance Relating to a transfer of funds and a supplemental appropriation to the office of the governor for disasters and emergencies.

S.B. 1151 by Brown

Intergovernmental Relations
Relating to the validation of certain elections and actions of commissioners
courts regarding the filling of vacancies on boards of aldermen or city councils.

S.B. 1152 by Brown

Intergovernmental Relations
Relating to the validation of the incorporation, boundaries, and governmental
proceedings of certain municipalities.

S.B. 1153 by Travis

Education
Relating to annexation of certain school districts by a junior college district.

S.B. 1154 by Ogg State Affairs Relating to the investment and deposit of local governmental funds.

S.B. 1155 by Richards

Intergovernmental Relations
Relating to the compensation of the judges of the district courts in Fort Bend
County.

S.B. 1156 by McKnight Economic Development Relating to the escheat of abandoned travelers checks.

S.B. 1157 by Glasgow

Relating to the issuance and execution of a search warrant and the disposition of the property seized.

S.B. 1158 by Glasgow Intergovernmental Relations Relating to the creation of a judicial district composed of Denton County.

S.B. 1159 by Richards

Intergovernmental Relations
Relating to the use of facsimile signatures on certain municipal documents.

S.B. 1160 by McKnight Education Relating to guidelines for academic work loads at public institutions of higher education.

S.B. 1161 by Uribe

Intergovernmental Relations
Creating southmost regional water authority; setting forth the corporate limits
thereof; making finding as to benefits; providing for a board of directors as the
governing body; providing for officers of the authority; providing for other
territory to be included within the authority; providing for removal of territory
from the authority; setting forth the powers of the authority; authorizing the
authority to apply for and receive grants, to issue revenue bonds, notes, bond
anticipation notes and refunding bonds; providing for approval of the bonds and
bond anticipation notes and contracts by the attorney general and registration of
the bonds and bond anticipation notes by the comptroller of public accounts;

providing for contracting powers of the authority and cities and districts contracting with the authority; providing for depositories, acquisition of water rights, qualification of such bonds and notes for investment purposes, tax exemption, regulations to be issued by the authority, finding compliance with constitutional requirements for notice; providing for severability; and declaring an emergency.

S.B. 1162 by Mengden Intergovernmental Relations Relating to the liability of counties for certain acts of their peace officers.

S.B. 1163 by Mengden

Relating to the liability of cities and towns for certain acts of their peace officers.

Intergovernmental Relations

S.B. 1164 by Parker

Relating to credit in the Employees Retirement System of Texas for certain service performed for a county child welfare board.

S.B. 1165 by Farabee

Intergovernmental Relations
Relating to the fees, costs and deposits to be received by the Clerk of the
Supreme Court; amending Article 3923, Revised Civil Statutes of Texas, 1925,
as amended, and declaring an emergency.

S.C.R. 79 by Ogg

Administration Proclaiming the Nine-Banded Armadillo as the official mammal of the State of Texas.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 245, To Committee on Economic Development.
- H.B. 889, To Committee on State Affairs.
- H.B. 364, To Committee on Jurisprudence.
- H.B. 539, To Committee on Economic Development.
- H.B. 36, To Committee on State Affairs.
- H.B. 1335, To Committee on Natural Resources.

HOUSE CONCURRENT RESOLUTION 92

The President laid before the Senate the following resolution:

H.C.R. 92, Honoring Roy Benavidez, Medal of Honor winner.

The resolution was read.

On motion of Senator Caperton and by unanimous consent, the resolution was considered immediately and was adopted.

COMMITTEE APPOINTED

In accordance with the provisions of H.C.R. 22, the President announced the appointment of the following as a Committee to Escort The Honorable George Bush to the Joint Session: Senators Brooks, Harris, Mauzy, Mengden, Snelson and Traeger.

COMMITTEE SUBSTITUTE SENATE BILL 6 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 6, Relating to a program for the placement of telecommunication devices for the deaf in state agencies.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend C.S.S.B. 6 by striking subsection (e) of Section 81.011 in Section 1 of the printed substitute, and substituting in lieu thereof the following:

"(e) The commission may place devices in selected state agencies according to established guidelines, and the commission shall bear the costs of placement in accordance with legislative appropriations. The commission may accept grants, donations, or gifts of equipment for this purpose, and may reassign a device if it determines that reassignment is necessary to maximize its use."

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 6 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

The bill was read third time and was passed.

SENATE BILL 339 ON SECOND READING

On motion of Senator Blake and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 339, Relating to the requirement of personal injury protection coverage with certain liability insurance policies.

The bill was read second time and was passed to engrossment.

SENATE BILL 339 ON THIRD READING

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 339 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 684 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 684, Relating to the filing of a security instrument by a utility.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 684 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 684 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

SENATE BILL 780 ON SECOND READING

Senator Vale moved to suspend the regular order of business to take up for consideration at this time:

S.B. 780, Relating to establishing a criminal offense for the sale, transfer, or display of certain glues or aerosol paints to certain minors; and providing a penalty.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Andujar, Brooks, Caperton, Doggett, Farabee, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Blake, Brown, Harris, Howard, Wilson.

Absent-excused: Glasgow, McKnight.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Wilson and Harris asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 780 ON THIRD READING

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 780 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Andujar, Brooks, Caperton, Doggett, Farabee, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Blake, Brown, Harris, Howard, Wilson.

Absent-excused: Glasgow, McKnight.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Wilson and Harris asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 796 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 796, Relating to licenses and seasons for taking oysters.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 796 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 796 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

COMMITTEE SUBSTITUTE SENATE BILL 619 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 619, Relating to the waiver of the provisions of the Deceptive Trade Practices-Consumer Protection Act by consenting business concerns; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 619 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 619 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

SENATE BILL 464 ON SECOND READING

On motion of Senator Blake and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 464, Relating to the membership of the sesquicentennial commission.

The bill was read second time and was passed to engrossment.

SENATE BILL 464 ON THIRD READING

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 464 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

COMMITTEE SUBSTITUTE SENATE BILL 388 ON SECOND READING

Senator Doggett asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 388, Relating to tape recording of closed meetings by governmental bodies with statewide jurisdiction; providing a penalty.

There was objection.

Senator Doggett then moved to suspend the regular order of business and take up C.S.S.B. 388 for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 8, Present-not voting 1.

Yeas: Blake, Brooks, Caperton, Doggett, Farabee, Kothmann, Mauzy, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale.

Nays: Andujar, Brown, Harris, Howard, Jones, Travis, Williams, Wilson.

Present-not voting: Leedom.

Absent-excused: Glasgow, McKnight.

The bill was read second time and was passed to engrossment by the following vote: Yeas 18, Nays 10, Present-not voting 1.

Yeas: Blake, Brooks, Caperton, Doggett, Farabee, Kothmann, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Short, Traeger, Truan, Uribe, Vale.

Nays: Andujar, Brown, Harris, Howard, Jones, Richards, Snelson, Travis, Williams, Wilson.

Present-not voting: Leedom.

Absent-excused: Glasgow, McKnight.

COMMITTEE SUBSTITUTE SENATE BILL 865 ON SECOND READING

On motion of Senator Vale and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 865, Relating to the general closed shrimp season in outside water; providing penalties; amending Section 77.061, Parks and Wildlife Code.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 865 ON THIRD READING

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 865 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

GUESTS PRESENTED

The President introduced The Honorable Sam Hall, representing Texas' First Congressional District, and The Honorable Ralph Hall, former State Senator, and now representing the Fourth Congressional District.

They were welcomed as guests and briefly addressed the Scnatc.

COMMITTEE SUBSTITUTE SENATE BILL 418 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 418, Relating to the taking, possession, and sale of alligators; providing penalties.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 418 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 418 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McKnight.

SENATE BILL 631 ON SECOND READING

Senator Parker moved to suspend the regular order of business to take up for consideration at this time:

S.B. 631, Relating to the boundaries of the Lower Neches Valley Authority.

The motion prevailed by the following vote: Yeas 19, Nays 4, Present-not voting 5.

Yeas: Andujar, Brooks, Caperton, Doggett, Kothmann, Leedom, Mauzy, Mengden, Parker, Santiesteban, Sarpalius, Short, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Farabee, Harris, Howard.

Present-not voting: Brown, Jones, Meier, Richards, Snelson.

Absent: Ogg.

Absent-excused: Glasgow, McKnight.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 2, Present-not voting 6.

Yeas: Andujar, Brooks, Caperton, Doggett, Farabee, Kothmann, Leedom, Mauzy, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Short, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Harris.

Present-not voting: Brown, Howard, Jones, Meier, Richards, Snelson.

Absent-excused: Glasgow, McKnight.

RECESS

On motion of Senator Brooks the Senate at 12:16 o'clock p.m. took recess until 3:30 o'clock p.m. today.

AFTER RECESS

The President called the Senate to order at 3:30 o'clock p.m.

JOINT SESSION

(To hear an address by The Honorable George Bush, Vice-President of the United States)

Pursuant to the provisions of H.C.R. 22, the President announced that the hour for the Joint Session of the two Houses to hear an address by The Honorable George Bush, Vice-President of the United States, had arrived.

Accordingly, the Senators present accompanied by the Sergeant-at-Arms and Secretary of the Senate repaired to the Hall of the House of Representatives at 3:30 o'clock p.m. and were escorted to seats provided for them.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's Rostrum.

The Honorable William P. Clements, Jr., Governor of the State of Texas, accompanied by members of his party, was announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's Rostrum by Senators Brooks, Harris, Mauzy, Mengden, Snelson and Traeger on the part of the Senate and Representatives Jackson, Nowlin, Emmett, Smith of Travis, Hartung, Smith of Harris, Ware and Schoolcraft on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Bill Clayton, Speaker of the House, announced a quorum of the House present.

The Secretary of the Senate, Betty King, read the following resolution:

RESOLUTION

WHEREAS, President Ronald Reagan has been severely wounded in an assassination attempt in the nation's capital; and

WHEREAS, This attack on the President is an attack on the American democratic system and is an act that demands the strongest condemnation; and

WHEREAS, The Texas Legislature wishes to join with other loyal Americans in denouncing the assassination attempt and expressing hope for the President's recovery; now, therefore, be it

RESOLVED, That the 67th Texas Legislature meeting in Joint Session of the House of Representatives and the Senate hereby condemn the act of violence against the President of the United States; and, be it further

RESOLVED, That the Texas Legislature hereby extend to President Ronald Reagan a heartfelt wish for a speedy recovery and an early resumption of his duties as leader of this great nation.

HOBBY - President of Senate CLAYTON - Speaker of House Members of Senate Members of House

The resolution was read and adopted by the Members of the Senate and by the Members of the House of Representatives.

Speaker Clayton presented Mrs. Rita Clements and presented a gavel to Governor Clements, asking that it be delivered to The Honorable George Bush.

Speaker Clayton then presented The Honorable William P. Clements, Jr., who reported that Vice-President Bush was returning to Washington and sent his regrets at being unable to attend today's session. Governor Clements reported on the condition of President Reagan and other wounded members of his party.

The Reverend Dr. Browning Ware, First Baptist Church, Austin, offered the following prayer for the recovery of President Reagan and those wounded with him in Washington:

If you desire to honor God and to pray for the health of the President and his associates and for the welfare of our nation, please rise.

"Out of the depths have I cried unto Thee, O Lord. Lord, hear my-voice: Let Thine ears be attentive to the voice of my supplications. If Thou, Lord, shouldest mark iniquities, Lord, who shall stand? But there is forgiveness with Thee, that Thou mayest be feared. I wait for the Lord, my soul doth wait. My soul waiteth for the Lord more than they that watch for the morning: I say, more than they that watch for the morning. Let us hope in the Lord: for with the Lord there is mercy, and with Him is plenteous redemption."

We shall wait in silence for a moment as you offer your prayers.

Eternal God, our Father, and Father of all mankind, You have gotten our attention through a tragedy in our nation.

Now we wait for Thee. We ask for Thy healing mercy for our President, Ronald Reagan, and his associates. And we ask now, humbly, for thoughtfulness, for caution, and for daring in ourselves and in those around our President.

Father, we recognize ourselves in the events of this day. We are common of all humanity. Some of us see that we are both shot and shooter, for we know that we are not perfect. We, too, have sinned against Thee. We now humbly ask for Thy mercy upon us, upon our President and our nation and our world — for we do wait on Thee. In Thy Name. Amen.

MEMORIAL RESOLUTIONS

- S.R. 418 By Doggett: Memorial resolution for Lucille Jean Ellison Efird.
- S.R. 439 By Brooks: Memorial resolution for Fred "Pappy" Dean.

WELCOME AND CONGRATULATORY RESOLUTIONS

- S.C.R. 80 By Doggett: Honoring Roy M. Velasquez.
- S.R. 419 By Doggett: Extending congratulations to the staff of the McCallum High Shield.
- S.R. 420 By Blake: Designating Jeb Brown as Mascot of the Senate of the State of Texas.
- S.R. 421 By Blake: Designating Jay Brown as Mascot of the Senate of the State of Texas.
- S.R. 422 By Blake: Designating Jennifer Brown as Sweetheart of the Senate of the State of Texas.
- S.R. 423 By Blake: Designating Delaina Glasgow as Sweetheart of the Senate of the State of Texas.
- S.R. 424 By Blake: Designating Holli Glasgow as Sweetheart of the Senate of the State of Texas.
- S.R. 425 By Blake: Designating Jody Glasgow as Sweetheart of the Senate of the State of Texas.
- S.R. 426 By Blake: Designating David Sarpalius as Mascot of the Senate of the State of Texas.
- S.R. 427 By Blake: Designating Melissa Faye Travis as Sweetheart of the Senate of the State of Texas.
- S.R. 428 By Blake: Designating Ann Barham Bratton as Sweetheart of the Senate of the State of Texas.
- S.R. 429 By Blake: Designating Alan Uribe as Mascot of the Senate of the State of Texas.
- S.R. 430 By Blake: Designating Brandan Uribe as Mascot of the Senate of the State of Texas.